

EXHIBIT A

**ORAL AND VIDEOTAPED DEPOSITION OF
ROBERT SALINAS**

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROBERT SALINAS)	
)	
VS.)	CIVIL ACTION NO.
)	4:14-CV
KROGER TEXAS, L.P.)	

ORAL AND VIDEOTAPED DEPOSITION OF

ROBERT SALINAS

JUNE 2, 2015

VOLUME 1 OF 1

ORAL DEPOSITION OF ROBERT SALINAS, produced as a witness, duly sworn by me at the instance of the Defendant, taken in the above-styled and numbered cause on June 2, 2015, from 9:59 a.m. to 5:12 p.m., before Mylinda Tubbs Faircloth, Certified Shorthand Reporter No. 2896 in and for the State of Texas, via machine shorthand, at Caycedo Law, 14090 Southwest Freeway, Suite 300, Sugar Land, Texas 77478, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record.

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1 A. She would – she would come shop in the store
2 over there and – and buy groceries.
3 Q. This is –
4 A. She'd buy –
5 Q. – Store 10?
6 A. The lady would come inside the store and buy
7 groceries, uh-huh.
8 Q. Let's try not to talk over each other.
9 So Mr. Castillo's wife would shop at
10 Store 10?
11 A. Yes.
12 Q. Did you ever see her?
13 A. Yes.
14 Q. Did you ever talk to her?
15 A. No.
16 Q. How old was she?
17 A. Oh, I don't know how old she is.
18 Q. Was she, you know –
19 A. She's an older lady.
20 Q. Okay. So, like, 50s? 60s?
21 A. No, not that old.
22 Q. Okay.
23 A. Probably about – probably 45.
24 Q. Okay. And I understand you – this is just
25 your best guess. I'm not going to hold you to it.

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1 A. She don't – I haven't seen her no more. She
2 don't shop there anymore. I haven't seen her anymore
3 since all this happened. I don't – I don't know if she
4 shops still there, but I don't see her anymore.
5 Q. So Mr. Castillo had a wife that looked to be
6 about 45 years old who shopped at Store 10?
7 A. 45, 50, I don't know.
8 Q. Okay. And do you know if he had any children
9 with her?
10 A. With that woman?
11 Q. Yeah.
12 A. I don't know if they – his kids are from that
13 woman or another marriage. I don't know.
14 Q. Do you know if he had – Mr. Castillo had been
15 married before to a woman other than the – the lady
16 that you saw in the store?
17 A. I can believe – he didn't tell me that he was
18 married to another woman, but he said he was paying
19 child support to a woman. That's what he told me.
20 Q. Do you know how many children he had that he
21 was paying child support for?
22 A. No, I'm not a hundred percent sure.
23 Q. Did you get the feeling there was more than
24 one?
25 A. It's a possibility, more than one, because he

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1 said that – he said those kids might not be his and he
2 – he might want his money back.
3 Q. But did he use the word "kids," like plural,
4 or just "kid"? Like, kids, more than one?
5 A. Kids with an S.
6 Q. Okay.
7 A. But he said he wanted his money back because
8 he don't know if those babies are his, those kids are
9 his.
10 Q. Do you know why he didn't – he didn't think
11 those kids were his?
12 A. Oh, I don't know. He said that she was – his
13 wife was messing around a lot.
14 Q. And do you know how – any idea how old those
15 kids were?
16 A. Oh, no, sir.
17 Q. Other than the wife that you saw in the store,
18 do you know if he was having romantic relationships with
19 anybody – any other females at the time that you worked
20 with him at either Store 9 or Store 10?
21 A. He had other women calling him at Kroger's,
22 and he – he would say that he was talking to other
23 women and...
24 Q. Do you know any of their names?
25 A. I didn't know their names. Other – other

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1 women would call him at the store early hours of the
2 morning, and he would – he would talk to them on the
3 phone for a long time.
4 Q. And do you – did you believe those were
5 maybe, like, girlfriends or something?
6 A. He told me he was talking to other women.
7 Q. Okay.
8 A. And he was getting in trouble for it.
9 Q. With his wife?
10 A. Uh-huh, he said.
11 Q. Did you ever hear any of these conversations?
12 A. They were kind of far away from me.
13 Q. Do you believe him, that he was talking to
14 women on the phone?
15 A. Yes.
16 Q. During the time that you worked with
17 Mr. Castillo did you ever see him with a man, like in a
18 romantic relationship?
19 A. No, sir.
20 Q. Did he ever tell you that he was gay or
21 homosexual?
22 A. He told me that he's been with men.
23 Q. What exactly did he tell you?
24 A. He told me that he's been – he says, You
25 don't know me but I've been locked up, and I raped guys

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1 your size. And he said I had a body like a woman. And
2 he told me he'd rather be with a -- a man than a woman.
3 Q. Do you know whether he was joking or serious
4 when he said that?
5 A. He wasn't joking. He wasn't laughing.
6 Q. How many times did he say things like that?
7 A. Like that, how many times, I can't remember
8 how many times.
9 Q. Like, a couple of times?
10 A. It's hard to say. I can't remember.
11 Q. Well, I need your best recollection. Because
12 this is my only chance to ask you questions in this
13 lawsuit, so I'd like your best recollection, sitting
14 here today.
15 A. Let's see. At least three or four times.
16 Q. How long do you think you -- in total that you
17 worked with him?
18 A. How long I worked with him?
19 Q. Yeah. About a year, two years?
20 A. About -- probably a year, a little over.
21 Q. A little over a year?
22 A. A little over, yeah.
23 Q. Okay. Other than those comments that you just
24 mentioned, did he ever say or do anything that led you
25 to believe that he was gay or homosexual?

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1 A. Yes.
2 Q. Okay. What?
3 A. The way he talked to me, and he -- and he
4 touching me and grabbing me.
5 Q. Okay. And I'm going to get to all those
6 details. I guess, let's -- I'm going to get to those.
7 Let me try to break this up. Did you ever see him do
8 anything towards anybody else that led you to believe
9 that he was gay or homosexual?
10 A. At first I wasn't sure.
11 Q. Okay. Why not? Why -- why weren't you sure?
12 A. I wasn't sure until he -- and then -- until he
13 started making moves on me. And then I discussed it
14 with Tony.
15 Q. All right. Let me stop you there, because
16 we're going to get there. Did you -- let me ask some
17 better questions. Did you ever see him touch any other
18 male employees at Kroger?
19 A. No, sir.
20 Q. Let me ask it a little different way. Did you
21 ever see him touch a male in a sexual way at all, not an
22 employee, but a customer or anyone?
23 A. Or anyone else?
24 Q. Yeah.
25 A. No, sir.

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1 Q. Even when you saw him out and about, the few
2 times that you said you saw him out and about and you
3 knew who he was, did you ever see him touching a man in
4 a sexual way?
5 A. No, sir.
6 Q. Other than the comments he made to you, did
7 you ever hear him, in any location at all, in Kroger,
8 outside of Kroger, make any sexual comments towards any
9 other men?
10 A. No, sir.
11 Q. Did anybody ever tell you that Mr. Castillo
12 was a homosexual or -- or gay?
13 A. They -- they didn't say anything until
14 afterwards when they heard what happened, when they --
15 when everybody heard what happened to me, they said --
16 they were saying those things.
17 Q. Okay. Who -- who was saying those things?
18 A. My friends, they said that -- that -- that he
19 was gay.
20 Q. Okay. Who are your friends? Who said that?
21 A. My friends, like Steve.
22 Q. Who is Steve? Does he work at Kroger?
23 A. Huh-uh.
24 Q. Okay. What did Steve say?
25 MR. CAYCEDO: Is that a "no"?

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1 THE WITNESS: Huh?
2 MR. CAYCEDO: You need to answer with
3 a "yes" or "no."
4 Q. (By Mr. Barron) Yeah, I need a "yes" or "no"
5 instead of "uh-huh."
6 A. Oh, Steve works at a car lot.
7 Q. How does he know Castillo?
8 A. He said he would go to his job and talk -- he
9 would talk to him.
10 Q. Okay. And -- and Steve said he thought that
11 Mr. Castillo was gay?
12 A. After what he did to me.
13 Q. Okay. Just because -- based on what you told
14 him?
15 A. Uh-huh.
16 Q. Any -- any other reason why he thought that he
17 was gay, that you know of?
18 A. That I know of, no, sir.
19 Q. Okay. Anybody else that told you that -- that
20 they thought that Mr. Castillo was gay?
21 A. My family members.
22 Q. And was that based on the things that you told
23 them had happened at work?
24 A. Yes, sir.
25 Q. Has anybody shared with you any stories about

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Page 62	<p>1 Mr. Castillo of things that they saw him do to any other</p> <p>2 people that led them to believe that he was gay?</p> <p>3 A. No, sir.</p> <p>4 Q. During the time that you worked with</p> <p>5 Mr. Castillo, did you ever hear him make sexual comments</p> <p>6 about women, like, Hey, I would like to have sex with</p> <p>7 her, or, She's attractive, or anything like that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. What kinds of comments did you hear?</p> <p>10 A. He said that he was - when he got - he was</p> <p>11 going to - after he got through with Gloria that she's</p> <p>12 not going to be able to walk right, when he'd get done</p> <p>13 with her.</p> <p>14 Q. Okay. So he made some - some sexual comments</p> <p>15 about Gloria?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Did he say anything else about Gloria that was</p> <p>18 sexual, that you can recall?</p> <p>19 A. And he said when he gets done with her she's</p> <p>20 not going to - just that, that's what he said.</p> <p>21 Q. Okay. How about anything - any other sexual</p> <p>22 remarks like that in regards to other women?</p> <p>23 A. With other women?</p> <p>24 Q. Yeah. Like customers, Hey, she's good</p> <p>25 looking, or anything like that?</p>	Page 64	<p>1 A. He wouldn't walk right, just moving all over</p> <p>2 the place, and he would be laughing. And he'd think</p> <p>3 it's funny.</p> <p>4 Q. Anything else?</p> <p>5 A. And I told Tony about it. Tony - Tony would</p> <p>6 - Tony - I don't know if he believed me or not.</p> <p>7 Q. Okay. Any - anything else that he - that he</p> <p>8 did that - that would lead you - other - other than</p> <p>9 the things he said to you, which we're going to get to,</p> <p>10 was there anything else that led you to believe that he</p> <p>11 was gay?</p> <p>12 A. The name calling.</p> <p>13 Q. Okay. Anything else?</p> <p>14 A. After - because of the touching, the</p> <p>15 touching, that made me more believe that he was like</p> <p>16 that.</p> <p>17 Q. Okay. Anything else?</p> <p>18 A. That's all I can remember.</p> <p>19 Q. All right. Let's talk about your -</p> <p>20 MR. BARRON: Do you want to take a</p> <p>21 break?</p> <p>22 MR. CAYCEDO: Yeah, if you don't mind.</p> <p>23 MR. BARRON: Sure.</p> <p>24 MR. CAYCEDO: I'm just going to run down</p> <p>25 the hall real quick.</p>
Page 63	<p>1 A. Yeah, he would say that she's, you know, good</p> <p>2 looking, yeah, she's a pretty woman.</p> <p>3 Q. So if a pretty -</p> <p>4 A. He would say that about customers when he sees</p> <p>5 one.</p> <p>6 Q. So if a pretty woman came in the store -</p> <p>7 A. Yeah, he would - he would make remarks.</p> <p>8 Q. Okay.</p> <p>9 A. Yes.</p> <p>10 Q. All right. And you recall him doing that?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Do you recall him ever making remarks like</p> <p>13 that about a man that walked in the store?</p> <p>14 A. No, sir.</p> <p>15 Q. Was there anything about the way Mr. Castillo</p> <p>16 dressed or he appeared on a daily basis that you would</p> <p>17 say would lead you to believe he's gay or homosexual?</p> <p>18 A. Yes, he - the way he looked at me.</p> <p>19 Q. Okay.</p> <p>20 A. The way he looked at me. He didn't look at me</p> <p>21 right. He would look at me - he wouldn't look at me</p> <p>22 right. And then he would try to walk like a woman.</p> <p>23 Q. What do you mean by that?</p> <p>24 A. And he would laugh.</p> <p>25 Q. What do you mean by that?</p>	Page 65	<p>1 MR. BARRON: Yeah.</p> <p>2 THE VIDEOGRAPHER: We're going off the</p> <p>3 record, approximately 11:01 a.m.</p> <p>4 (Brief recess.)</p> <p>5 THE VIDEOGRAPHER: We're coming back on</p> <p>6 the record, approximately 11:14 a.m.</p> <p>7 Q. (By Mr. Barron) Mr. Salinas, you understand</p> <p>8 we're back on the record now?</p> <p>9 A. Yes, sir.</p> <p>10 Q. You're still under oath, right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. You testified earlier about a lady</p> <p>13 named Gloria that you work with. Do you recall that</p> <p>14 testimony?</p> <p>15 A. Yes.</p> <p>16 Q. You said you'd been seeing her as your</p> <p>17 girlfriend for about - in October it will be four</p> <p>18 years?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Do you have a sexual relationship with</p> <p>21 Gloria?</p> <p>22 A. Yes.</p> <p>23 Q. So if we ask Gloria, she would give that same</p> <p>24 answer, you think?</p> <p>25 A. Yes.</p>

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1 Q. Have any of your brothers and sisters ever
2 worked at Kroger?
3 A. Nope. No, sir. Wait a minute. Let me see.
4 No, huh-uh.
5 Q. And how did Reuben die? You mentioned Irma
6 died from cancer. How about Reuben?
7 A. Reuben?
8 Q. Yeah. How did he die?
9 A. Oh, he got - he got shot.
10 Q. Like in a crime -
11 A. Yes.
12 Q. - situation?
13 A. Yes.
14 Q. Where was he shot?
15 A. In the chest.
16 Q. But was - was he at a bar? Was he at home?
17 Where was he?
18 A. He was at home.
19 Q. Okay. Did they catch the person that did it?
20 A. I know of no - I don't know. They're saying
21 that he - he - he did it, but he didn't do it. I'm -
22 in my heart, I don't think he did it. And - because
23 his wife - his wife was shot, too, and he was shot.
24 But I don't know.
25 Q. Okay.

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1 A. Because it was four times, so I told the
2 police, There's somebody out there that shot him four
3 times in the chest.
4 Q. And you said you live with your mother. Where
5 is your father?
6 A. My father died.
7 Q. Okay. How old were you - how old were you
8 when he died?
9 A. Oh, I was in my 20s.
10 Q. Did your mother ever remarry?
11 A. Oh, no. No, sir.
12 Q. So all of these brothers and sisters we just
13 mentioned were from your - from the same marriage that
14 your mother -
15 A. Same.
16 Q. - mother and father?
17 A. Yes.
18 Q. Okay. All right. Now going back to my
19 original question, are you aware of any sort of sexual
20 abuse or problems amongst your brothers and sisters?
21 A. No, sir.
22 Q. Okay. All right. Let's talk about your -
23 your history at Kroger. When were you hired?
24 A. In November, '81.
25 Q. And which store did you originally start

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1 working at?
2 A. I started in Rosenberg. It was next to
3 Weiner's on Avenue H.
4 Q. That's going way back. What was your first
5 position?
6 A. I was a sacker.
7 Q. And how old - how old were you when you
8 started working at Kroger?
9 A. I started at 16. And - and I worked a few
10 months, and then y'all went - Kroger's went on strike.
11 And then I went over to Bonanza, and then I came back
12 after the strike.
13 The reason why I quit, because this man
14 in the meat department told me that - he was scaring
15 me, in the meat department. He said that he was going
16 to flatten my car up because I was walking through the
17 picket line. When you walk, like, through there, when
18 they're on strike, and he said I can't do that. Because
19 they're on strike and he said I can't work through the
20 picket line.
21 And I told him, But they need people
22 there to work, and I want to work. And he got mad at
23 me, that meat department guy. And he said he was going
24 to hurt me, beat me up and mess up my car. And I was
25 just a kid and he was a grown man. So I quit and I got

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1 - I quit because I was scared. So I went to work at
2 Bonanza until it settled down.
3 Q. Yeah.
4 A. And then - then I came and asked for my job
5 back, to come back, and they said okay.
6 Q. All right.
7 A. And Jeanine White hired me.
8 Q. So other than that - that period where you
9 were - you stopped working for Kroger during the strike
10 and then came back, have you worked for Kroger ever
11 since?
12 A. Since I quit and come back?
13 Q. Yes.
14 A. No, this place is straight on.
15 Q. Okay.
16 A. Just straight on.
17 Q. All right. Tell me all the different
18 positions that you've worked at Kroger.
19 A. I was -
20 Q. You mentioned sacker. What else have you
21 done?
22 A. I was doing utilities cleaning. I was
23 cleaning, like, the back room and the restrooms and
24 stuff like that.
25 Q. Okay.

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Page 78	<p>1 A. And sweeping floors and cleaning chrome and –</p> <p>2 and stuff like that, and cleaning glass and taking trash</p> <p>3 out.</p> <p>4 Q. So you did all those things as a sacker. What</p> <p>5 – what was your next job?</p> <p>6 A. That was utility.</p> <p>7 Q. That was utility, right, which is a separate</p> <p>8 job.</p> <p>9 A. Okay. After that they put me in produce.</p> <p>10 Q. Okay. And have you worked in produce ever</p> <p>11 since then?</p> <p>12 A. Yes, but I help in the other departments. But</p> <p>13 I was in produce, and at that store they put me in</p> <p>14 grocery. Every once in a while I'll be in grocery. But</p> <p>15 then I stayed in produce all the time pretty much. And</p> <p>16 then later through time I did dairy, a little bit of</p> <p>17 dairy. But I don't know how to order dairy. I just –</p> <p>18 I would stock the milk and stuff.</p> <p>19 Q. Okay. How – how many times have you worked</p> <p>20 dairy? Would that just be, like, a shift here and</p> <p>21 there, or did you work –</p> <p>22 A. No, I didn't work – like, when somebody went</p> <p>23 on vacation or something and we were shorthanded or</p> <p>24 something, or somebody called in.</p> <p>25 Q. Okay.</p>	Page 80	<p>1 A. The ones earlier?</p> <p>2 Q. Yeah, we've talked –</p> <p>3 A. Oh, you mean with Kroger's?</p> <p>4 Q. Yeah.</p> <p>5 A. Yes.</p> <p>6 Q. All right. We've talked about sacker, –</p> <p>7 A. Yes.</p> <p>8 Q. – utility and produce. And I know you've</p> <p>9 filled in in the dairy and some grocery; but that's all</p> <p>10 the jobs that you've – positions that you've held at</p> <p>11 Kroger, right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. Now, let's talk stores. I want to know</p> <p>14 which stores you've worked at. What was your first</p> <p>15 store location?</p> <p>16 A. That was Rosenberg.</p> <p>17 Q. Right, the one you just mentioned. Avenue H,</p> <p>18 I think?</p> <p>19 A. Uh-huh.</p> <p>20 Q. And how long did you work at that store</p> <p>21 location?</p> <p>22 A. About six years, six years in that store.</p> <p>23 Q. Where did you go after that?</p> <p>24 A. 187.</p> <p>25 Q. Where is that one located?</p>
Page 79	<p>1 A. It was not – I wasn't really – wasn't</p> <p>2 scheduled there. I was scheduled in my own produce. I</p> <p>3 would go help and fill it up a little bit, then run back</p> <p>4 to produce.</p> <p>5 Q. How – how long did it take you to get from</p> <p>6 being, say, a sacker and utility into produce? How –</p> <p>7 how many years or months was that?</p> <p>8 A. Oh, it took me a while.</p> <p>9 Q. Like, how long?</p> <p>10 A. I was a sacker, I would say – I would say two</p> <p>11 and a half to three years.</p> <p>12 Q. All right. And then after a sacker, you went</p> <p>13 to utility?</p> <p>14 A. Yes.</p> <p>15 Q. And how long were you in utility?</p> <p>16 A. Probably about eight months.</p> <p>17 Q. Okay. And then you went to produce?</p> <p>18 A. Produce. And then I stayed there.</p> <p>19 Q. And then you stayed there.</p> <p>20 A. And then I stayed there, and then they moved</p> <p>21 me to Store 187.</p> <p>22 Q. Okay. That's where I'm going next, I'm going</p> <p>23 to get to the stores. I just want to get your jobs.</p> <p>24 Those are all the jobs that you've held, we've talked</p> <p>25 about them?</p>	Page 81	<p>1 A. Westheimer and Gessner. Y'all – y'all closed</p> <p>2 it down already.</p> <p>3 Q. How long were you at Store 187?</p> <p>4 A. Let's see, maybe two – let's see. Maybe two</p> <p>5 or three years, two or three years.</p> <p>6 Q. What was your next store?</p> <p>7 A. I worked – from there I went to – I went to</p> <p>8 Stafford.</p> <p>9 Q. Do you remember what the number was?</p> <p>10 A. 200. And then I was – at that store I was</p> <p>11 working from there, even the Rosenberg store, too. I</p> <p>12 did Fondren. That store that shut down, I remember it</p> <p>13 was Airport. I worked the Airport store, too.</p> <p>14 Q. You worked at two stores at the same time?</p> <p>15 A. They would take me out of the store sometimes.</p> <p>16 They – I would go over there and they would move me</p> <p>17 around. I would stay, like, 200 and then they'd move me</p> <p>18 around. I did that store. I did 329. I did 334.</p> <p>19 Q. Were you like a floater?</p> <p>20 A. 268.</p> <p>21 Q. Okay.</p> <p>22 A. 320. Let me think which store. I did 600.</p> <p>23 I'm trying to remember the stores. Oh, remember when</p> <p>24 the storm blew in? And I was working – working over</p> <p>25 there in, like, Louisiana or Lake Charles, something</p>

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1 whether there's posters in the break room -
2 A. Well, there is -
3 Q. - talking -
4 A. - but I - I didn't read it.
5 Q. There's - okay.
6 MR. CAYCEDO: Let him - let him finish
7 his question.
8 Q. (By Mr. Barron) I just need to get a clear
9 answer for the record. So you know there's posters in
10 the break room, but you didn't read them so you don't
11 know what they say?
12 A. I didn't read them, yes, sir. I didn't read
13 them.
14 Q. All right. At Store No. 9 did you work with
15 Mr. Castillo?
16 A. I seen him there. We - I worked a different
17 shift. And he worked - he worked - he worked - I
18 heard he worked in the meat department.
19 Q. What shift did you work at Store 9?
20 A. I worked early shift. I worked, like, 5:00 to
21 1:00's, 4:00 to 12:00's or - I worked the early shift.
22 But the time he would come in at 12:00 o'clock, I would
23 be going, he would be coming.
24 Q. Okay. So you didn't work with him, but you
25 did -

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1 A. No.
2 Q. - you did see him, you knew -
3 A. I saw him in the store. I did see him in the
4 store.
5 Q. Did you ever exchange -
6 A. No.
7 Q. - hellos with him?
8 A. No, I didn't see him.
9 Q. Let me finish.
10 A. Oh, I'm sorry.
11 Q. Yeah. Did you - did you ever exchange
12 greetings with him, like, How are you doing?
13 A. No, I didn't talk to him.
14 Q. Was there some reason you didn't talk to him,
15 or you just didn't talk to him because there was no
16 reason?
17 A. I don't know him.
18 Q. Okay. But you - you didn't - you didn't
19 dislike him or have anything against him; it's just you
20 didn't know him very well?
21 A. Yes, sir.
22 Q. So is it your testimony that the first time
23 you worked on a day-to-day basis with Mr. Castillo would
24 have been at Store 10?
25 A. Together, in the same department, yes.

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1 Q. All right. How about Mr. Childs? Had you
2 worked with Mr. Childs before Store 10?
3 A. Yes, sir.
4 Q. Where did you work with Mr. Childs?
5 A. At 320.
6 Q. How long did you work with Mr. Childs at 320?
7 A. I don't know how long it was, but it was a few
8 months. I don't know. It wasn't very long.
9 Q. Give me your best recollection of how long it
10 was. Was it less than a year?
11 A. Less than a year.
12 Q. Okay.
13 A. Yes.
14 Q. Do you think less than six months?
15 A. Probably about six months.
16 Q. And you were working in the produce department
17 at that time?
18 A. Yes, I was helping L.J. I was second man
19 there.
20 Q. And Mr. Childs was the store manager?
21 A. Yes, sir.
22 Q. How often would you talk to Mr. Childs at -
23 you said it was 392?
24 A. No, Childs was 320.
25 Q. 320. At 320 how often would you talk with

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1 him?
2 A. Good morning. How are you doing? I would say
3 hi to him when he walks through the departments in the
4 morning time. I would say hi, a few times.
5 Q. Did you have any other - any - any
6 conversations with him other than, Hello, how are you
7 doing?
8 A. Later on. And then later on as time went by,
9 I discussed something with him and L.J. upstairs.
10 Q. What did you discuss with him and L.J.
11 upstairs?
12 A. One of the employees there.
13 Q. Tell me about that.
14 A. He was taking a lot of breaks. He was taking
15 a lot of breaks and smoking cigarettes all the time.
16 And then he was taking breaks, and he would go to
17 different departments. And he would not work in - with
18 us like he was supposed to in the salads. He was
19 supposed to work in the salads, not supposed to help
20 everywhere else; ordering and help everything. He would
21 get out of his department, and he would go, not do his
22 job.
23 Q. Who was this employee? What was his name?
24 A. Gosh, what was his name? He was an older guy.
25 I'm not sure of his name. It might be Randy. I'm not

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1 or is that just a guess?
2 A. I was – I was guessing around that time when
3 it happened, more or less when that happened.
4 Q. Okay.
5 A. I know it's the right exact date.
6 Q. How do you know it's the right exact date?
7 A. Huh?
8 Q. How do you know that that's the right – the
9 right date?
10 A. I didn't know.
11 Q. Okay. So it could have been April; is that
12 fair? When you say it was about the second week of May,
13 does that mean it could have been April, it could have
14 been late May, you're just guessing?
15 A. No, I'm not guessing. I – I'm not guessing.
16 It was about the right time when this happened.
17 Q. You say that you noticed David Castillo began
18 looking at you in a sexual way. "He would talk to me as
19 if he was homosexual." What – what do you mean by
20 looking at you in a sexual way?
21 A. He wouldn't look at me right. Like, he – he
22 wouldn't look at me right. He would not look at me
23 right.
24 Q. All right. So, but help me understand. I
25 want to know exactly what he was doing that you

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1 A. I didn't. I didn't play around with him like
2 that. I didn't. I don't know if the other guys did. I
3 didn't.
4 Q. What did the other – what do you mean when
5 you say –
6 A. I don't know if the other guys did. I'm just
7 saying that I don't know.
8 Q. Okay.
9 A. I wasn't there in the evening as we worked
10 later during the day.
11 Q. Well, did you hear Mr. Castillo playing around
12 with other guys at work, making jokes?
13 A. No. I hear – I heard him one time talking to
14 Rafle and he was – him and Rafle get into it and they
15 would be cussing each other out.
16 Q. What were they talking about?
17 A. I don't know what they were talking about.
18 They were using verbal language in the back room.
19 Q. Isn't it true that – that you and
20 Mr. Castillo would make remarks back and forth to each
21 other about "mija" and "girl" and "princess" and things
22 like that?
23 A. I don't remember that. I really don't.
24 Q. Did you ever call Mr. Castillo any names at
25 work?

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1 interpreted –
2 A. He would look me up and down. He wouldn't
3 look at me right. And he'll blink his eyes, like blink
4 his eye at me.
5 Q. Like, when you say "blinking his eyes," what
6 do you mean?
7 A. Wink.
8 Q. Like wink?
9 A. Yes.
10 Q. How often would he do that? Did he just do it
11 that one time?
12 A. No, he did it a few times. I don't know how
13 many times.
14 Q. You say that at first you thought he was
15 playing around. Why did you think he was playing
16 around?
17 A. I – I thought he was because I didn't know –
18 I didn't know him very well.
19 Q. Well, you guys did like to play around at
20 work, didn't you?
21 A. Not like that.
22 Q. But you did play around at work with
23 Mr. Castillo –
24 MR. CAYCEDO: Objection, vague.
25 Q. (By Mr. Barron) – right?

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1 A. I don't recall.
2 Q. You don't recall, meaning that it may have
3 happened and you don't remember; or, no, it didn't
4 happen?
5 A. I don't remember.
6 Q. So it's possible that you did call
7 Mr. Castillo names at work?
8 A. I don't remember.
9 Q. Do you recall Mr. Medina ever walking through
10 the produce department and telling both you and
11 Mr. Castillo to knock it off because y'all were talking
12 to each other?
13 A. I'm trying to think. I don't remember.
14 Q. It's possible that it happened?
15 A. Maybe. I don't remember.
16 Q. Well, you – you were in Mr. Medina's
17 deposition yesterday, weren't you?
18 A. Yes.
19 Q. And you heard him say that on several
20 occasions he went into the produce back room, and you
21 and Mr. Castillo were bantering, calling each other
22 names, and that he told the both of you to stop it,
23 knock it off, right?
24 A. He didn't tell me. I think he told him. He
25 told him. I don't think he told it to me.

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1 A. Umm.
2 Q. - It, like, half and half? What would you
3 say?
4 A. No, it was more in the back room.
5 Q. Okay. And where did - where did Mr. Castillo
6 work usually?
7 A. Like, I worked, like, over here by the sink.
8 Q. Yeah.
9 A. By the sink, towards the cooler, and he worked
10 farther down, like farther down.
11 Q. Okay. Like, how far away were you to - how
12 far away were you from each other in the back room?
13 A. Oh, God. Let me see.
14 Q. Farther away - let's - let's just say -
15 A. I don't know how many feet.
16 Q. Okay. And I'm not going to ask you how many
17 feet.
18 A. I don't know about that.
19 Q. I'm going to estimate that this room is about
20 15 feet long. I'm just - I'm just guessing. Would it
21 be further away than from one end of this room to the
22 other or - or shorter?
23 A. Let's see. Almost about the same distance.
24 Q. Okay. So, like, if you're looking at the end
25 of this room, that wall on that side, the wall you're

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1 cooler and get some strawberries or pineapples or
2 anything he needed to get, he'd go inside that cooler
3 and get it, and he'd - he'd bring it, and he would look
4 at me and then he'll make a remark. I told Tony about
5 it.
6 Q. Well -
7 A. Tony said he was going to take care of it.
8 Q. Okay. I'm going to get to your complaints in
9 a minute. I want to know what he said. So - so he
10 would make comments to you when he walked by you, right?
11 A. Yes.
12 Q. Okay. And what did you say to him when that
13 happened?
14 A. I told him, Leave me alone.
15 Q. Okay. Did you ever make any comments back to
16 him?
17 A. No, not like that.
18 Q. Did you -
19 A. Not like that.
20 Q. Did you ever call him a faggot?
21 A. No.
22 Q. Did you ever call him gay?
23 A. No.
24 Q. Did you ever call him miija?
25 A. I don't recall. I don't - I don't - like I

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1 looking at, it would be about - he would be about that
2 distance away from you or longer?
3 A. Let's see. If I was working here, if it's
4 farther, it wouldn't be much farther.
5 Q. Okay.
6 A. It would be about this far or a little bit
7 farther.
8 Q. Okay. So we're just going to say, for - for
9 a guesstimate, 15 to 20 feet, okay?
10 A. It wouldn't be 20 feet. I think it's closer
11 than 20 feet.
12 Q. Okay. All right. If - if you were talking
13 to him, could - could you hear each other from that
14 distance?
15 A. Yes.
16 Q. Okay. And isn't it true that when y'all were
17 working in the back room and you were about 15 to 20
18 feet away, that y'all would talk to each other?
19 A. He would - he would say things to me. Like
20 when he walked by me -
21 Q. Yes.
22 A. - he would call me a faggot.
23 Q. Okay.
24 A. He would call me gay. He would make remarks
25 at me. When he'd walk by me, like he would go to the

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1 said, I don't remember.
2 Q. And miija is Spanish for what?
3 A. Daughter.
4 Q. All right. Did you ever talk in Spanish with
5 Mr. Castillo?
6 A. I don't know how to talk completely in Spanish
7 like that. I don't know how to do that.
8 MR. BARRON: I'm going to object to that
9 as being nonresponsive.
10 A. I don't understand.
11 Q. (By Mr. Barron) Okay.
12 A. Like, I don't - I can't go through a whole
13 thing of saying - like read this in Spanish, I can't do
14 that.
15 Q. Right. But my question is a little different.
16 I just want to make sure you understand it. Did you
17 ever have conversations in Spanish? I understand you're
18 saying that you're not very good at it.
19 A. I didn't - like that, huh-uh.
20 Q. Did Mr. Castillo ever try to speak to you in
21 Spanish?
22 A. Not that I remember, huh-uh.
23 Q. Did y'all ever talk about sports?
24 A. No, sir.
25 Q. You never had a conversation with Mr. Castillo

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1 him on those days because you – apparently he told you
2 what was going on?
3 A. He would tell me, and then I would – I don't
4 – I said, Stay home.
5 Q. Did y'all ever joke around at work?
6 MR. CAYCEDO: Objection, vague.
7 A. I didn't joke with him.
8 Q. (By Mr. Barron) You never had a conversation
9 with him that – where you were laughing?
10 A. I don't – I don't recall.
11 Q. It's possible you did, though, right?
12 A. Anything is possible. I don't remember. I
13 don't recall.
14 Q. If – If other Kroger associates testify that
15 – that they saw the two of you talking and laughing on
16 occasion, you wouldn't dispute that, would you?
17 A. No.
18 Q. In your – in your – in your statement,
19 Exhibit 2, you say that you complained or reported the
20 comments from Mr. Castillo to Tony Medina and he said,
21 Don't worry about it, I'll take care of it.
22 A. That's right.
23 Q. See that?
24 A. Yes.
25 Q. All right.

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1 your statement you say that you reported the issue to
2 Tony and he said, Don't worry about it, I will take care
3 of it. So I – so you said, Okay. Is there anything
4 else about that conversation that you remember?
5 A. Yes. I told him the – the way he was acting.
6 Q. What, specifically, did you tell Mr. Medina
7 about the way Castillo was acting?
8 A. The way he was acting, the way he was talking
9 to me, the way he – he walks in the back room.
10 Q. I need you to be specific, though. Again,
11 this is my only time to ask you questions so I need to
12 know exactly what you told him.
13 A. He was walking like a lady, acting like a
14 lady. He was moving around and laughing.
15 Q. Did you tell him anything else?
16 A. I told Tony about it.
17 Q. Well, hold on. You keep saying, I told Tony
18 about it. I want to know specifically what you told
19 Tony. Did you tell Tony that you thought that
20 Mr. Castillo was a homosexual?
21 A. I never – Tony – I told Tony –
22 Q. Well, answer my question. Did you tell Tony
23 Medina that you thought David Castillo was a homosexual?
24 MR. CAYCEDO: I'll just object to the
25 extent it's vague. In terms of time frame, I don't know

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1 A. Yes, I see it.
2 Q. Were – were there any witnesses to that
3 conversation?
4 A. There were other people back there, but I
5 don't know if they were listening. You know, it could
6 have been Jason or Tony at that time. I don't know.
7 But they – I don't know if they were paying attention.
8 Q. Tell me everything that you can recall that
9 you said to Tony Medina when you reported this.
10 A. Reported what? The –
11 Q. Well, you said in your – in your document
12 here, I reported the issue to Tony.
13 A. The specific –
14 Q. And I –
15 A. – different situations, yes, I would discuss
16 it with Tony. And Tony got –
17 Q. Okay.
18 A. And Tony got mad at me.
19 Q. All right.
20 A. Because he said that he didn't want me going
21 upstairs anymore because he says I'm going upstairs too
22 many times and reporting the stuff that's happened to
23 me.
24 Q. Well, I want to direct your attention to the
25 second week of May, during that time period, where in

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1 when.
2 Q. (By Mr. Barron) Well, we're talking – well,
3 we'll – we'll ask first any time frame. Did you ever
4 tell Tony Medina that you thought David Castillo was a
5 homosexual?
6 A. I told him he – I said in – I – I told him,
7 I think, in a different way, I think. I think I told
8 him that he was – he was a weird guy. I didn't – he
9 was weird.
10 Q. Okay. When did you tell Tony Medina that –
11 that Castillo was weird?
12 A. I don't remember the time or – or day. I
13 can't remember.
14 Q. Okay. Well, let's go back to May of 2011.
15 That – that's where we're at in the statement. And you
16 said you told – you reported the issue to Tony. I want
17 to know specifically what you recall describing to Tony
18 when you made your complaint.
19 A. Are we here?
20 Q. I'm in the – the paragraph that says, My
21 first incident. Yeah, that's the one.
22 A. I told Tony that I don't like him doing those
23 things to me, the way he was – you know, the way he's
24 acting – acting and he's walking.
25 Q. Okay. So you told him that he was – what,

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Page 158	<p>1 specifically, about his walking did you – did you tell</p> <p>2 him?</p> <p>3 A. He was acting like a girl.</p> <p>4 Q. That he was walking like a girl?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. I told –</p> <p>8 Q. What else –</p> <p>9 A. – him to stop it.</p> <p>10 Q. Sorry.</p> <p>11 A. To talk to him. He said he was going to talk</p> <p>12 to him.</p> <p>13 Q. What else, specifically, did you tell Tony he</p> <p>14 was doing to you?</p> <p>15 A. At that time or –</p> <p>16 Q. At this time. At this time in May of 2011.</p> <p>17 A. I would tell him different things when that</p> <p>18 happened – was happening to me. That – that, and it</p> <p>19 was different things.</p> <p>20 Q. Well, you said that you complained to him, you</p> <p>21 reported the issue to Tony in 2011, in May. And I want</p> <p>22 to know what you, specifically, reported to Tony. You</p> <p>23 mentioned that you told him about the walking, that he</p> <p>24 was walking like a girl. So I got that. Is there</p> <p>25 anything else that you specifically recall telling to</p>	Page 160	<p>1 Q. That's okay. Is there anything else that you</p> <p>2 think you told Tony Medina in May of 2011?</p> <p>3 A. I talked to him about – he asked – asked me,</p> <p>4 and then I talked to him about Jason, how Jason was</p> <p>5 treating me. Jason was very mean to me. I would talk</p> <p>6 to him about that, too. I would tell him things about</p> <p>7 Jason, Jason treating me bad.</p> <p>8 Q. Okay. We'll get to Jason. Let's just keep it</p> <p>9 on Castillo for now. Okay?</p> <p>10 It says – in the next paragraph it says</p> <p>11 in the third week of May you were approached by another</p> <p>12 co-worker named Rafael about a mutual female friend</p> <p>13 named Gloria. And in your statement you said, Gloria</p> <p>14 and I are good friends. So at the time you wrote this</p> <p>15 statement, did you only consider Gloria to be a friend?</p> <p>16 A. Yes.</p> <p>17 Q. You didn't consider her to be your girlfriend?</p> <p>18 A. We were just friends. We were just – we were</p> <p>19 just talking.</p> <p>20 Q. At this point in – when you wrote this</p> <p>21 statement?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Is that a "yes"?</p> <p>24 A. Yes.</p> <p>25 Q. At what point did Gloria stop being a friend</p>
Page 159	<p>1 Tony?</p> <p>2 A. Yeah, I told Tony, He calls me names.</p> <p>3 Q. Okay. What names did you share with Tony that</p> <p>4 he called you?</p> <p>5 A. He called me a faggot.</p> <p>6 Q. So you specifically remember telling Tony</p> <p>7 Medina in 2011 –</p> <p>8 A. He called – he called me faggot and he calls</p> <p>9 me gay. And he did it on a regular basis. I'm not that</p> <p>10 kind of guy.</p> <p>11 Q. I understand, but I – my question is: Did</p> <p>12 you tell Tony Medina in May of 2011 that David Castillo</p> <p>13 was calling you gay and a faggot?</p> <p>14 A. I don't know if I told him at that time, but I</p> <p>15 did tell him. I did tell him.</p> <p>16 Q. Okay. So you know you told him that at some</p> <p>17 point but you're not –</p> <p>18 A. Yeah.</p> <p>19 Q. – sure if it –</p> <p>20 A. It was –</p> <p>21 Q. – was May of 2011?</p> <p>22 A. Yes.</p> <p>23 Q. Let me finish my question. It will help her.</p> <p>24 Okay.</p> <p>25 A. I'm sorry.</p>	Page 161	<p>1 and start become – and become a girlfriend?</p> <p>2 A. I don't know exact time or day – I mean, day.</p> <p>3 I don't know about that.</p> <p>4 Q. Okay. How long – let me ask you this: About</p> <p>5 how long were you friends with Gloria before it became a</p> <p>6 sexual type of relationship?</p> <p>7 A. I can't answer that. I don't know that.</p> <p>8 Q. Okay. Well, sitting here today, let's –</p> <p>9 let's just take from today, how long have you had a</p> <p>10 sexual relationship with Gloria?</p> <p>11 A. It's been a while, but I don't know exact time</p> <p>12 or day or anything like that. I don't know that.</p> <p>13 Q. Okay.</p> <p>14 A. I can't give you specifics.</p> <p>15 Q. That's fine. I'm just trying to get a</p> <p>16 ballpark.</p> <p>17 A. I'm sorry. I don't know that.</p> <p>18 Q. And in your statement you – you say that</p> <p>19 Rafael was upset with you and told you to stay away from</p> <p>20 his girlfriend, talking about Gloria?</p> <p>21 A. Yes.</p> <p>22 Q. At the time that you first started talking to</p> <p>23 Gloria, was she married?</p> <p>24 MR. CAYCEDO: Objection, speculation.</p> <p>25 A. Oh, I don't know. I don't – I don't know</p>

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1 THE VIDEOGRAPHER: We're going off the
2 record, approximately 2:02 p.m.
3 (Brief pause.)
4 THE VIDEOGRAPHER: We're coming back on
5 the record, approximately 2:02 p.m.
6 Q. (By Mr. Barron) Okay. Mr. Salinas, we're
7 back on the record. You -- you were saying that
8 Mr. Childs talked to you after you made this complaint
9 reflected on Exhibit 3 and said that you and Mr. -- you
10 and Rafael have to get along, work together. What else
11 did he say to you?
12 A. Don't worry about Gloria.
13 Q. Okay. What else did he say?
14 A. Both of us don't talk to her, just do our
15 jobs, just go to work and do our jobs.
16 Q. Do you remember anything else about that
17 conversation?
18 A. Just don't talk to her anymore. He goes -- he
19 goes, if I want to do something, I could do something
20 and just get rid of all three of y'all, but I'm not.
21 Q. Okay. Anything else?
22 A. Just do your jobs, just leave each other
23 alone. At that time -- at that time he just says,
24 Everybody just -- everybody do their job.
25 Q. Did you say anything to him?

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1 A. At that time? Yeah, I told him that I -- I
2 didn't approach him; he approached me.
3 Q. Who is the "he"? Who did you --
4 A. Raffie. I didn't approach him; he approached
5 me.
6 Q. Okay.
7 A. And I had a witness, too. There was a lady in
8 the coffee shop saw it, and she said that -- that he was
9 yelling and screaming at me.
10 Q. Who was that witness?
11 A. I don't remember. It's been so long. It was
12 a lady there.
13 Q. Do you know if you're supposed to be dating
14 other employees at the store?
15 A. I don't know.
16 Q. Do you know whether Mr. Childs disciplined or
17 counseled Rafael about his conduct?
18 A. I'm not a hundred percent, no.
19 Q. Well, do you have any idea what was said
20 between Mr. Childs and Rafael?
21 A. No, they talked alone, together. I don't know
22 what they talked about.
23 Q. Did you complain to Mr. Childs about Jason's
24 comments about your daughter?
25 A. Yes.

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1 Q. Do you know what Mr. Childs did about that,
2 what actions he took?
3 A. I don't know what actions he took about it,
4 how he -- how he acted then, how he took care of that.
5 I don't know how he did that.
6 Q. You were not -- you were never present for any
7 conversations between --
8 A. Him and -- no.
9 Q. Hold on. Let me finish my question.
10 You were never present for any
11 conversations between Mr. Childs and Jason, right?
12 A. Like sit down, like all of us together, like
13 that?
14 Q. Yeah.
15 A. Oh, I don't -- I don't remember, I really
16 don't.
17 Q. Back to your -- your statement here, Exhibit
18 2, it talks about towards the end of June there was
19 another incident with David Castillo where he grabbed
20 your butt and said, When are you going to give me some
21 of that white ass? He says, if you don't give it to me,
22 I'm going to take it anyway. No one is here in the
23 morning, just you and me. I will rape -- rape you and
24 no one will find out. And then some other things about
25 jail. You said you reported that incident to Tony

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1 Medina?
2 A. Yes, I did.
3 Q. You say you reported that to Mr. Childs?
4 A. I did.
5 Q. Let's talk about your report to Mr. Medina
6 first. What exactly did you say to Tony Medina?
7 A. I told him -- I told him that -- that he could
8 -- he grabbed me. He grabbed me like this (indicating)
9 really hard and -- and he said he was going to take it
10 from me if I didn't give it to him. I told him -- I
11 told him all these things there -- that's on here. And
12 I told him that -- God, it's horrible. Tony said he was
13 going to take care of it.
14 Q. Did you tell Mr. Medina all of the comments
15 that you have listed on Page Salinas 37? If you look at
16 the bottom there's -- there's little numbers.
17 A. I know.
18 Q. And going on to Page 38, did you tell
19 Mr. Medina all of those comments that you have listed
20 there? Things like: I used to rape guys your size in
21 jail, you have a body like a woman, those kind of
22 things.
23 A. Yes, I told those things to Tony.
24 Q. You -- you mentioned all of those things to
25 Tony Medina?

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ROBERT SALINAS**

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<p>1 A. I told that to Tony, and Tony looked at me and 2 he laughed. He thought it was funny. 3 Q. How about to Mr. Childs? Did you mention all 4 those things to Mr. Childs? 5 A. Yes, and he laughed at me. 6 Q. They both laughed at you? 7 A. Yes. He said that – he said, That's not 8 happening in our back room, not in that back room, 9 that's not happening. He said I was going to get in 10 trouble for making up stories. 11 Q. Did you have any witnesses? 12 A. No. 13 Q. Why didn't you go to HR? If you felt like you 14 were not getting results from Mr. Childs or Mr. Medina, 15 why wouldn't you go to the company's HR department? 16 A. I went to the police. 17 Q. You went to the police a year later, sir. I'm 18 talking about, in your statement you said this happened 19 in June of 2011, right? 20 A. Yes. 21 Q. Okay. And you said you went to Tony Medina 22 and Mr. Childs and – and you're saying they didn't do 23 anything, right? 24 A. Yes. 25 Q. Okay. So if that's true, why didn't you go to</p>	<p>1 A. I don't know what – I don't know exact time, 2 but I did call and tell them I needed some help because 3 I was in a situation. 4 Q. Right. And I think earlier in this deposition 5 you said that you were looking for some help – 6 A. I did. 7 Q. – like psychiatric help? 8 A. Yes. 9 Q. That was after – 10 A. I did. 11 Q. Hold on. That was after the knife incident in 12 2012, right? Is that right? 13 A. Yes. 14 Q. Okay. Again, I'm talking about 2011 where you 15 claim you went to Tony Medina and Mike Childs and they 16 didn't do anything. Did you take any steps whatsoever 17 at that point beyond the store? 18 A. Yes. I talked to Ms. Mendoza about it. 19 Q. Okay. Ms. Mendoza is a manager of the store, 20 right? 21 A. Yes. And I talked to Ms. Gordana about it and 22 Ms. Mendoza. And I was crying, and she laughed at me. 23 Q. Okay. 24 A. And I told her – 25 Q. What did you tell Ms. Mendoza exactly?</p>
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<p>1 the union or go to HR? 2 A. I did go to the union. 3 Q. In – 4 A. Union didn't do nothing for me. 5 Q. In June of 2011? 6 A. I don't know exact date, but I was talking to 7 union people. 8 Q. When did you start talking to the union? 9 A. I can't remember exact time and date. 10 Q. Do you remember the year? 11 A. I talked – I was talking to Walter. 12 Q. Do you remember the year? 13 A. No. I was talking to Walter when he was 14 there. He retired and he told – he said he would talk 15 to Mr. Childs about the situation. 16 Q. Did you ever fill out a grievance form? 17 A. About what happened back there – 18 Q. Yes. 19 A. – with – with – with – 20 Q. Mr. Castillo. 21 A. I don't remember if I did or not. 22 Q. Did you ever call the 1-800 number in June of 23 2011 and complain about Mr. Castillo? 24 A. I made a call. 25 Q. In 2 – in June of 2011?</p>	<p>1 A. The things he was doing to me. 2 Q. Well, I – I know this is hard, and I know you 3 keep saying the things he was doing to you, but I need 4 to know, as best you can recall, what specifically you 5 told Ms. Mendoza. 6 A. He grabbed me. 7 Q. Okay. And did you tell her the comments, as 8 well? 9 A. Yes. 10 Q. And what did she say? 11 A. I need to write it down on a piece of paper 12 and give it to her. And I did, but they didn't want it 13 like that. They wanted it done right. 14 Q. Okay. So how many times did you talk to 15 Ms. Mendoza? 16 A. A lot. 17 Q. How many times did she tell you to write it 18 down? 19 A. I don't remember. 20 Q. If she told you to write it down, you would 21 have wrote it down, right? 22 A. I did write it down, and I gave it to her. I 23 could – I gave it to her, and she didn't like the way I 24 did it. She said it was unprofessional. 25 Q. Okay. So you did it again?</p>